

# Request for Legal Staff Consideration

Serial No.

10/527055

Date:

Sept 14, 2006

Request:

☐

Petition To Revive Unintentionally Abn. Appl.

☐

Petition under Rule 1.47

☒

Other: Response dated 7/12/05.

Requestor:

John Andersen

Supervisor:

Terry Johnson - Vessels

Response:

y:

Date:

RECEIVED

13 SEP 2006

Legal Staff  
International Division

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Harold L. Novick (DC, MD)\* Of Counsel

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Irvin A. Lavine, Retired  
Donald M. Sandler, Retired

Patent, Trademark and Copyright Causes,  
Unfair Competition, Trade Secrets,  
Licensing and Litigation

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September 6, 2006

\*Practice limited to Matters and Proceedings  
before Federal Courts and Agencies; not Admitted  
in VA

\*\*Registered Patent Agent; not Admitted in VA

## **FACSIMILE COVER SHEET**

TO: John L. Anderson FROM: Tanya E. Harkins  
(703) 305-3230 Reg. No. 52,993  
Nath & Associates

RE: U.S. Patent Application Serial No. 10/527,055  
Title: **METHOD FOR DETECTING BIOMOLECULES**  
Docket: 26653U

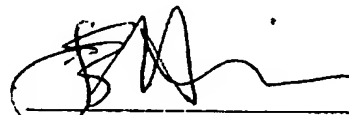
NO. OF PAGES (including this page): 7

Dear Mr. Anderson:

In response to the Notice of Abandonment dated August 29, 2006 (copy attached) and our telephone call of September 1, 2006, enclosed please find a copy of the "Response to Notification to Comply with Requirements for a Sequence Listing" filed on July 12, 2005. Per your request, a copy of the stamped filing receipt is also enclosed. As such, the Notice was timely answered and the captioned application is not abandoned.

If you have any questions, please do not hesitate to contact me at the number listed above.

Thank you for your assistance in this matter.

  
Tanya E. Harkins

SHOULD ANY DIFFICULTIES BE INCURRED WITH THE RECEIPT OF THIS FACSIMILE TRANSMISSION (IN WHOLE OR IN PART), PLEASE CONTACT THE SENDER AT THE ABOVE TELEPHONE NUMBER FOR RETRANSMISSION.

The information contained in this facsimile communication is

### **ATTORNEY-CLIENT PRIVILEGED AND CONFIDENTIAL**

and is intended only for the use of the individual or entity named above. Any dissemination, distribution or copying of this communication or any portion of it by anyone other than the intended recipient or the employee or agent responsible to deliver it to the intended recipient, is strictly prohibited. If this communication is received in error, please notify us immediately by telephone, and return the original message to us at the above address via the U.S. Postal Service.

## MAIL STOP PCT / SEQUENCE LISTING

Attorney Docket: 26653U

Date filed: July 12, 2005

FILING RECEIPT

Inventor(s): NORDHEIM, et al.

Attorney: GMN/TH

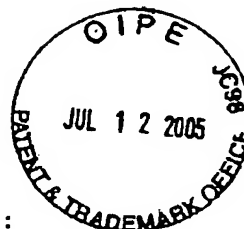
Serial Number: 10/503,261

Filing Date: March 9, 2005

Internatl. Appl. No.: PCT/EP03/09923

Internatl. Filing Date: September 8, 2003

Title: METHOD FOR DETECTING BIOMOLECULES

THE PTO STAMP HEREON ACKNOWLEDGES RECEIPT OF:

- (1) Transmittal Letter;
- (2) Copy of Notification to Comply with Requirements for a Sequence Listing;
- (3) Response to Notification to Comply with Requirements for a Sequence Listing;
- (4) Statement for Reasons for Not Complying with Requirements For a Sequence Listing.

NATH & ASSOCIATES PLLC  
1030 15<sup>th</sup> St., N.W., 6<sup>th</sup> Fl.,  
Washington, D.C. 20005-1503  
(202) 775-8383

FILE CHECK

Prepared by:

LE

Approved by:

TH

Copy reviewed:

LE

Filed by:

\_\_\_\_\_

GMN/TH:le (N.Comply.Requirements.SL)

MAIL STOP PCT MISSING REQUIREMENTS  
Attorney Docket: 26653U

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

NORDHEIM, et al.

Serial Number: 10/503,261

Filing Date: March 9, 2005

Internatl. Appl. No.: PCT/EP03/09923

Internatl. Filing Date: September 8, 2003

Title: **METHOD FOR DETECTING BIOMOLECULES**

TRANSMITTAL LETTER

Commissioner for Patents  
Box 1450  
Alexandria, VA 22313-1450

Sir:

Submitted herewith for filing in the U.S. Patent and Trademark Office is the following:

- (1) Transmittal Letter;
- (2) Copy of Notification to Comply with Requirements for a Sequence Listing;
- (3) Response to Notification to Comply with Requirements for a Sequence Listing;
- (4) Statement for Reasons for Not Complying with Requirements For a Sequence Listing.

The Commissioner is hereby authorized to charge any deficiency or credit any excess to Deposit Account No. 14-0112.

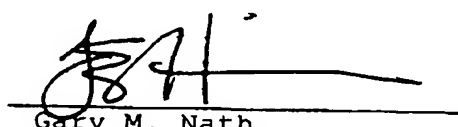
Respectfully submitted,  
NATH & ASSOCIATES PLLC

Date filed: July 12, 2005

NATH & ASSOCIATES PLLC  
1030 15<sup>th</sup> St., N.W., 6<sup>th</sup> Fl.,  
Washington, D.C. 20005-1503  
(202) 775-8383

QIN/TH:le (N.Comply.Requirements.SL)

By:

  
Gary M. Nath  
Reg. No. 26,965  
Tanya E. Harkins  
Reg. No. 52,993  
Customer No. 20529



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

U.S. APPLICATION NUMBER NO. 10/527,055	FIRST NAMED APPLICANT Alfred Nordheim	ATTY. DOCKET NO. 26653U
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20529  
NATH & ASSOCIATES  
1030 15th STREET, NW  
6TH FLOOR  
WASHINGTON, DC 20005

INTERNATIONAL APPLICATION NO. PCT/EP03/09923	
LA. FILING DATE 09/08/2003	PRIORITY DATE 09/13/2002

CONFIRMATION NO. 7002  
371 FORMALITIES LETTER  
\*OC000000016274864\*  
\*OC000000016274864\*

Date Mailed: 06/14/2005

**NOTIFICATION TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS  
CONTAINING NUCLEOTIDE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file the items indicated below to avoid abandonment. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 CFR 1.821(c). Applicant must provide an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:

- For Rules Interpretation, call (571) 272-0951
- For Patent Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.
- Send e-mail correspondence for Patent Software Program Help @ [ebc@uspto.gov](mailto:ebc@uspto.gov)

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

A copy of this notice **MUST** be returned with the response.

JOHN L ANDERSON

Telephone: (703) 308-9140 EXT 211

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/527,055	PCT/EP03/09923	26653U

MAIL STOP PCT MISSING REQUIREMENTS  
Attorney Docket: 26653U

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

NORDHEIM, et al.

Serial Number: 10/503,261

Filing Date: March 9, 2005

Internatl. Appl. No.: PCT/EP03/09923

Internatl. Filing Date: September 8, 2003

Title: METHOD FOR DETECTING BIOMOLECULES

RESPONSE TO NOTIFICATION TO COMPLY WITH  
REQUIREMENTS FOR A SEQUENCE LISTING

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Notification to Comply with Requirements for a Sequence Listing of June 14, 2005, submitted herewith are the following:

- (1) Statement for Reasons for Not Complying with Requirements For a Sequence Listing.

Respectfully submitted,  
NATH & ASSOCIATES PLLC

Date filed: July 12, 2005

NATH & ASSOCIATES PLLC  
1030 15<sup>th</sup> St., N.W., 6<sup>th</sup> Fl.,  
Washington, D.C. 20005-1503  
(202) 775-8383

GHN/TH:le (N.Comply.Requirements.SL)

By: 

Gary M. Nath  
Reg. No. 26,965  
Tanya E. Harkins  
Reg. No. 52,993  
Customer No. 20529

## MAIL STOP PCT MISSING REQUIREMENTS

Attorney Docket: 26653U

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

NORDHEIM, et al.

Serial Number: 10/503,261

Filing Date: March 9, 2005

Internatl. Appl. No.: PCT/EP03/09923

Internatl. Filing Date: September 8, 2003

Title: METHOD FOR DETECTING BIOMOLECULES

STATEMENT FOR REASONS FOR NOT COMPLYING WITH  
REQUIREMENTS FOR A SEQUENCE LISTING

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In connection with the Sequence Listing submitted herewith, the undersigned attorney hereby states that;

- 1) This application relates to a method for detecting biomolecules using a metal compound in the presence of at least one biofunctional agent. This is reflected in the claims. The examples and figures of the application only deal with the question of how the method for detecting molecules can be employed.
- 2) The sequences mentioned in figure 4 of the Application illustrate the suitability of the detection method of the invention for protein identification by ESI-MS after tryptic digest. Therefore, specific sequence depicted therein is for example purposes only.

Respectfully submitted,  
NATH & ASSOCIATES PLLC

Date filed: July 12, 2005

NATH & ASSOCIATES PLLC  
1030 15<sup>th</sup> St., N.W., 6<sup>th</sup> Fl.,  
Washington, D.C. 20005-1503  
(202) 775-8383

By: 

Gary M. Nath  
Reg. No. 26,965  
Tanya E. Harkins  
Reg. No. 52,993  
Customer No. 20529





## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/527,055	Alfred Nordheim	26653U

INTERNATIONAL APPLICATION NO.
-------------------------------

PCT/EP03/09923

I.A. FILING DATE	PRIORITY DATE
09/08/2003	09/13/2002

20529  
NATH & ASSOCIATES  
112 South West Street  
Alexandria, VA 22314

CONFIRMATION NO. 7002

371  
ABANDONMENT/TERMINATION  
LETTER

\*OC000000020226415\*

Date Mailed: 08/29/2006

## NOTIFICATION OF ABANDONMENT

The United States Patent and Trademark Office in its capacity as a Designated / Elected Office (37 CFR 1.495) has made the following determination:

- Applicant has failed to respond to the notification of MISSING REQUIREMENTS (Form PCT/DO/EO/905), mailed 06/14/2005 within the time period set therein.

Therefore, the above identified application failed to meet the requirements of 35 U.S.C. 371 and 37 CFR 1.495, and is ABANDONED AS TO THE UNITED STATES OF AMERICA.

JOHN L ANDERSON

Telephone: (703) 308-9140 EXT 211

PART 1 - ATTORNEY/APPLICANT COPY

FORM PCT/DO/EO/909 (371 Abandonment Notice)